

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KEITH A.MESSNER,)	
)	
Plaintiff,)	
v.)	C.A. No. 11-55 Johnstown
)	
KENNETH CAMERON, et al,)	
Defendants.)	

MEMORANDUM ORDER

Plaintiff's complaint was received by the Clerk of Court on March 4, 2011, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on May 25, 2012, recommended that the motion for summary judgment (Dkt. #35) be denied .The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by mail at SCI Forest, where he is incarcerated, and on Defendants. No objections were filed. After de novo review of the pleadings and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 19th Day of July, 2012;

IT IS HEREBY ORDERED that the motion for summary judgment (Dkt. #35) is DENIED. The report and recommendation of Magistrate Judge Baxter, dated May 25, 2012, is adopted as the opinion of the court.

A handwritten signature in black ink, reading "Kim R. Gibson". The signature is fluid and cursive, with a large "Y" shape at the beginning of the first name.

KIM R. GIBSON
United States District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge

all parties of record _____